

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, January 5, 2015

Those Present: Mr. Dick Zimmerman, Chairman
Mrs. Maggi Hays, Board Member
Mr. Rick Stup, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Bob Shrum, Alcoholic Bev. Inspector
Ms. Kathy L. Vahle, Administrator
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9 am by Chairman Zimmerman.

1. **Miles & Stockbridge for Homewood at Crumland Farms –**
Commissioner Stup stated normally he would recuse himself due to the fact that his Mother is a resident at this facility. However since the issue is so broad, he would participate in the discussion. Noel Manalo, Attorney for Miles & Stockbridge and Eric Nichols with Homewood appeared to discuss with the Board the expansion of Homewood, north of Willow Road. They have an existing license for the south of Willow Road and thought they could also use this existing license for the new expansion. Mr. Manalo stated there are residents on either side of the campus and was wondering if they could avail themselves on either side. He stated this is somewhat a unique circumstance, but spoke with the county staff and suggested he discuss this with the Liquor Board. Chairman Zimmerman asked what time frame they were looking at to complete and use this facility? Mr. Nichols stated it is under construction currently and would probably be complete at the end of this year and would be moved in by early part of 2016. Chairman Zimmerman asked if other organizations now or contemplated in the future would be using either one of these existing facilities or perhaps for events or clubs or other events for alcoholic consumption? Mr. Nichols stated they do have other clubs and other individuals coming in the club based facility. Chairman Zimmerman asked if they were consuming alcohol at the facility, and Mr. Nichols answered yes. Chairman Zimmerman stated under the current Private Country Club liquor license that is not allowed. Ms. Vahle stated the Private Country Club allows the members and guests only. So other organizations coming into use it with alcohol would not fall under members and guests. Mr.

Nichols stated how they have framed it is the license they have is a club so the residents of the facility are members and as long as we have that connection we sort of fit the form of the license.

Chairman Zimmerman stated it seems appropriate that there could be some type of license to allow you to do what you want to do that is not in existence right now. He also stated the Board would be doing some research in other areas because it seems appropriate that a retirement facility which has different campus types is not uncommon such as Buckingham's Choice. Commissioner Stup suggested Mr. Nichols contact the Delegation and propose a new license of this type. Also in Carroll County one of the retirement facilities has opened a Pub to encourage people from the outside to come in and interact with the residents. Commissioner Stup stated if Homewood was going to take the lead on this proposal it could be made broad to include all types of senior care facilities and to include all the options. Also contact Senator Young as he takes care of all the alcohol bills and the Board will support that.

Chairman Zimmerman stated Senator Young could be a sponsor for this bill. Commissioner Stup stated this would be for Frederick County only. Ms. Vahle stated she would work with Mr. Nichols on this proposal. Mr. Manalo stated the consensus is the Board would not be comfortable with entertaining how they could work within the current framework. Commissioner Stup stated with the interpretation of the law as it is now, the unintended consequences could be extreme. If there is a year in the time frame, there is enough time still to work through Senator Young and the Delegation to get something done. Then the Board would have time to put rules in place for issuing that license. The old license would be replaced with the new license and that would cover both sides of the road. The Board stated they would have their support.

2. Decision Required: New

RE: Sharon L. Weedy, Yong Ming
Chen and Ling Chen
J & A Group LLC
t/a Old Dominion Grill &
Sushi
5732 Buckeystown Pike,
#18-20
Frederick, MD 21704
Class B, On Sale, Beer, Wine and Liquor

Ms. Vahle swore in the applicants (See Sign In Sheet). Pending items are: the Occupancy Permit, the Fire Marshal, the Health Department and the Inspector's Report. Henry Forester with Core

Development Group representing the owner of the shopping center and applicant stated the building is constructed, but there is a need for interior renovations. Ming Chen stated the opening date would be about April. Ms. Vahle stated licenses cannot be issued during March and April because of renewals so if it is not issued by the last day of February then they will have to wait until May. Mr. Forester asked if it could be May 1 or as soon as the permits can be obtained, which it can. Chairman Zimmerman asked if any of the three applicants have ever had a liquor license and Sharon Weedy stated she had been on the license for Frederick Palace in the Evergreen Square Shopping Center in 2006 and there were no violations. Chairman Zimmerman asked if they had taken the Alcohol Awareness Training? Mr. Chen stated yes and also Ling Chen has. He stated there is proposed legislation that requires an Alcohol Awareness Trained person to be on the premises at all times.

MOTION: Mrs. Hays made a motion for a continuance until May 4, 2015.

SECOND: Mr. Stup seconded the motion with the understanding that it is not a continuance but a conditional approval until May 11, 2015, subject to the applicant's testimony and permit approvals and Inspector's Report.

FURTHER DISCUSSION

ON THE MOTION: Mrs. Hays amended her motion for a conditional approval until May 11, 2015 but they may come in by the end of February if everything is complete.

VOTE: Mrs. Hays – Aye
Mr. Stup - Aye
Mr. Zimmerman - Aye

The vote was unanimous. **Aye – 3 Nays – 0**
(Motion Passed)

Commissioner Stup asked if there would be any outdoor seating or any entertainment. Mr. Chen stated there would be outdoor seating and Chairman Zimmerman stated he would have to fill out a separate application for that with a diagram, measurements and a monitoring plan attached. Commissioner Stup stated also he would have to fill out an application for any entertainment.

3. **Chubby's Barbecue** – Tom Caulfield, owner, appeared to discuss with the Board the proposal to have an Alcohol Awareness person on the premises at all times. He stated this was his second time appearing before the Board regarding this proposed regulation. Mr. Caulfield stated it would be impossible for a business such as his to continue under these guidelines. He employs only six people and the turnover is huge as people don't stay long, and he could not afford to train new people each time. He has one employee who has been with him for 10 years. Chairman Zimmerman stated this proposal is pending before the Delegation and this Board wants to help any business no matter what size they are. But you have to be aware that one size does not fit all. Chairman Zimmerman asked if the employee who has been there for 10 years is Alcohol Awareness Trained? Mr. Caulfield stated he was not trained. Chairman Zimmerman stated the Board is discussing making the training at an affordable price or making a possible exception for an establishment such as his. Commissioner Stup stated he has spoken to smaller businesses such as Chubby's who has supported this proposal. He asked if there was a Manager on site at all times? Mr. Caulfield stated he has a lead cook on site who is a Manager and he is not onsite at all times. Mr. Caulfield stated that he is there 7 days a week but not from open to close so between the two of them about 80% of the time. He feels if the law passes he will have to turn his license in. Chairman Zimmerman stated he will take his comments into consideration and said he appreciated his coming into discuss this with the Board.

4. Decision Required: Approval of the Staff Meeting and Public Meeting Minutes for December 8, 2014 and December 15, 2014.

Chairman Zimmerman had a correction for the Staff Meeting Minutes for December 8th, paragraph for Violations, "Chairman Zimmerman stated there is at least two and the second case is Rosehill with a mandatory suspension", add the word "also". Paragraph 3, same page, "Chairman Zimmerman stated he attended this meeting." Cross out "and found that" put period after meeting, "Ms. Vahle indicated she and Inspector DeLauter were in the group of founders." Paragraph 4, "Christmas Dinner", add "Thursday, December 11th".

Commissioner Stup stated Mrs. Hays needed to be added as being present for both Staff Meetings.

Chairman Zimmerman had a change for the Public Meeting for December 8th on paragraph 8, Rosehill Service Station, "Chairman

Zimmerman stated he would like to communicate to Captain Keckler the undercover Policeman and the minor did not appear and that the summons was sent a while ago." Cross out "because" and add "and that".

Commissioner Stup had a correction for page 9, item 5, "Further Discussion on the Motion" 5th line down, cross out "will" and add "d" to propose. Page 8, under TJ Roadhouse, would like to put first name for Ms. Hubble which is "Colby". He would like it to be a policy when it is someone we summons to put their first name.

MOTION: Mr. Stup made a motion to approve the Staff Meeting and Public Meeting Minutes for December 8, 2014 and December 15, 2014 as discussed and amended.

SECOND: Commissioner Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Stup – Aye
Mrs. Hays – Aye
Mr. Zimmerman – Aye

The vote was unanimous.

Aye – 3 Nays – 0
(Motion Passed)

The meeting was adjourned at 10:15AM.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees